

Dear Commissioners,
I'm a professional musician, writer, and recording artist, community member and media consumer.

I've written a hundred or so songs, released 3 records independently and received airplay on a number of college and public radio stations. Additionally, I play a regular schedule of local dates and have recently begun to tour nationally.

As mentioned above, I have received radio airplay on several college and public radio stations. Here in Austin those include KOOP, KVRX, and KUT.

There is a commercial station in town that occasionally plays "local" music as part of its regular programming (KGSR) but normally said "local" artists are very well known, on fairly large labels, and employ radio promoters.

Austin station KROX hosts a niche program on Sunday nights that often includes a local artist or two.

It seems very clear to me, and most of my peers as well, that there is no chance of receiving commercial airplay without hiring a radio promoter.

I would also add that though it is wonderful to have several local outlets that feature "independent" music, these stations generally offer a very wide variety of music, local, national and international. Consequently it is virtually impossible to achieve any kind of sustained presence, which one needs in order to establish a useful familiarity in a market.

I believe the FCC ought to try to come up with a definition of "local" programming.

The definition should include locally produced and originated programming. And decisions ought to be made at the local level. Local is local. If it's happening locally then it's "local" programming.

Participation in local community affairs is not "programming". Lots of folks (and their businesses) participate in community activities, both to insure goodwill and because it's the right thing to do. Sponsoring a charity event is not local programming.

Payments to radio stations from "indie promoters" are payola. Everyone in the industry knows it and they also know that it's wrong. They accept it because there's really no other choice; if you want commercial radio airplay, you have to pay for it.

This practice excludes a huge percentage of product on the supply side (which is why the major labels don't raise hell about it - they've got too much competition already) but it does the listener a great disservice. There are thousands of recordings that never get airplay (still the dominant medium of exposure) because whoever is releasing them can't afford, or refuses on principal, to pay tens of thousands of dollars to radio promoters, who in turn pay radio stations to play the record.

Artists play plenty of free concerts for causes they support, it's the right thing to do. The only reason they play for free at a radio station event is to get airplay. Most of the time no one even knows what "charities" these events are supporting. The whole thing is a marketing opportunity

cooked up by the stations. I'm sure there are exceptions, but this is generally accepted knowledge in the industry. Is it a form of payola? I'm not sure. But at best it's still pretty sleazy.

Labels ought to be allowed, encouraged even, to buy ad spots to play their bands' music, as long as the spots are identified as such. That's pretty much what's happening now anyway. It would be a huge improvement, in my opinion, for everyone (including the listeners) to come out into the sunshine on this issue, so we can all stop pretending that what we are hearing on commercial radio is the "cream of the crop".

"Voice-tracking" is inconsistent with a broadcaster's obligations to serve the local interest. At the very least they should be required to disclose the practice to listeners. It seems quite clear that this is a case of broadcasters "de-localizing" in order to earn more money.

National playlists are the single largest problem with commercial radio, in my opinion. Frankly I can't believe commercial stations are so short-sighted. No one is served well by a national playlist, least of all the listener. The whole reason people listen to the radio, rather than a CD for example, is to experience the rare joy of discovery. Whether it's the unique identity of a station, a DJ, an artist, a community event, or a news item, we listen to the radio to find out, to learn, and to be entertained.

Stations are increasingly rotating smaller and smaller batches of songs, and it's gotten downright boring. It's much more fun, and almost as easy, to make your own playlist on any number of inexpensive MP3 players, pop that in your car stereo (you need a \$20 adapter) and to hell with the radio.

As far as national playlists diminishing diversity, limiting the input of local programmers, local concerns, and local artists, well, that one's pretty obvious, isn't it?

Stations should be required to play a certain percentage of local content. Why not? How could it possibly get any worse?

I don't have any personal experience with "low power FM" but it sounds like a great idea to me. I think it definitely has the potential to benefit the music community and the community at large.

Thank you for addressing this issue with a public proceeding.

Very Best Wishes,

Kirk Smith